

MINUTES OF A REGULAR MEETING OF THE MAYOR AND
COUNCIL OF THE CITY OF GOODYEAR, ARIZONA, HELD AT THE
JUSTICE FACILITY, 986 SOUTH LITCHFIELD ROAD, GOODYEAR
ARIZONA, ON MAY 24, 2004, AT THE HOUR OF 6:00 P.M.

Mayor Jim Cavanaugh called the meeting to order at 6:00 P.M. Frank Cavalier led in the pledge of allegiance and gave the invocation.

COUNCIL PRESENT: Mayor Cavanaugh and Vice Mayor Sousa. Councilmembers:
Frank Cavalier, Sue Linney, Ken Porter, Fred Scott, and Rob
Antoniak

STAFF PRESENT: Stephen Cleveland, City Manager; Lynn Mulhall, Deputy City
Clerk; James Oeser, City Attorney; and various staff

MINUTES

Minutes of the Regular Meeting held on May 10, 2004 were approved as presented and filed.

APPROVE AND/OR RATIFY EXPENDITURES

MOTION BY VICE MAYOR SOUSA SECONDED BY CAVALIER TO
APPROVE ACCOUNTS PAYABLE FOR JANUARY 2004.

VOTE: PASSED BY THE FOLLOWING (7-0) ROLL CALL VOTE

AYES: Mayor Cavanaugh, Vice Mayor Sousa, and Councilmembers Porter, Linney,
Cavalier, Scott, and Antoniak

NAYS: None

COMMUNICATIONS

None

CITIZENS COMMENTS/APPEARANCES FROM THE FLOOR

Mayor Cavanaugh asked if there were any comments from the public on non-agenda items. He explained that the Council could listen to their comments but could not respond to them or act upon any item.

DRAFT

There being no comments, Mayor Cavanaugh closed the public input process for non-agenda items.

CONSENT

Mayor Cavanaugh removed Consent item C, in its entirety, and F1 and F2, to be discussed under Business as the first item.

Porter requested item I be removed.

The Deputy City Clerk read Consent Items, A, B1, B2, B3, D, E, G1, G2, H, and J.

MOTION BY SCOTT SECONDED BY ANTONIAK TO APPROVE
CONSENT AGENDA ITEMS 8. A, B1, B2, B3, D, E, G1, G2, H, and J.

VOTE: PASSED BY THE FOLLOWING (7-0) ROLL CALL VOTE

AYES: Mayor Cavanaugh, Vice Mayor Sousa, and Councilmembers Porter, Linney, Cavalier, Scott, and Antoniak

NAYS: None

- 8.A. (04-2098) Council approved a contract with Black & Veatch to perform a utility rate study and utility impact fee study in the amount of \$65,420.00
- 8.B. (04-2115) Council adopted Resolution 04-923 approving the application for transportation enhancement funds to the Arizona Department of Transportation and authorized the City Manager to sign all documents concerning this grant.
- 8.D. (04-2128) Council approved an application request from New Life Center for a Special Event Liquor License to be used on September 25, 2004, for a social fund raiser to be held at 1658 S. Litchfield Road, Goodyear, Arizona. (Goodyear-Phoenix Airport, Lufthansa terminal).
- 8.E. (04-2127) Council approved a Use Permit to allow for a Jack in the Box restaurant within the Safeway at Canyon Trails commercial center (Pad E, Lot 7) located on the northwest corner of Van Buren Street and Estrella Parkway, subject to conditions.
- 8.G. (04-2133) Council re-appointed Sharolyn Hohman to the Goodyear Public Improvement Corporation for a three year term expiring August 31, 2007 and re-appointed Frances Amabisca to the Goodyear Public Improvement Corporation for a three-year term expiring May 31, 2007

- 8.H. (04-2134) Council adopted Resolution 04-925, authorizing the city to accept an increase (\$32,464.00) in home fund allocations from Maricopa County Board of Supervisors for the Urban County 2004-2005 Home Funds and authorized the city to match 25% of the increased amount (\$8,116.25).
- 8.J. (04-2139) Council appointed Jenifer DeLaGarza and Steve Yamamori to a City Center Technical Advisory Committee (TAC) to discuss, review and make recommendations on developing a Specific Area Plan for the City Center.

8.I. RESOLUTION 04-926 FRANCHISE QUESTIONS FOR ELECTION

Porter declared a conflict of interest as he is employed by APS. He then removed himself from the dais.

MOTION BY VICE MAYOR SOUSA SECONDED BY ANTONIAK TO ADOPT RESOLUTION 04-926 PROPOSING AND SUBMITTING TWO (2) FRANCHISE QUESTIONS TO THE QUALIFIED ELECTORS OF THE CITY OF GOODYEAR; SUCH QUESTIONS PROVIDING FOR THE CHANGES DESCRIBED HEREIN; AND DECLARING AN EMERGENCY.

VOTE: PASSED BY THE FOLLOWING (6-0) ROLL CALL VOTE

AYES: Mayor Cavanaugh, Vice Mayor Sousa, and Councilmembers Linney, Cavalier, Scott, and Antoniak

NAYS: None

Porter returned to the dais.

BUSINESS

9. A. (04-2107) AGRICULTURAL PROTECTION ORDINANCE

Item is postponed until June 14, 2004.

8. F (04-2131) ORDINANCE 04-899 AND RESOLUTION 04-924 AMENDING POLICY AND ADMINISTRATIVE GUIDELINES MANUAL

Porter said he would not vote in favor of the amendments unless the floating holiday was removed. After much discussion it was agreed to take that language out.

MOTION BY CAVALIER SECONDED BY LINNEY TO ADOPT ORDINANCE 04-899, AMENDING POLICY #200 EMPLOYEE COMPENSATION AND POLICY #600 ATTENDANCE AND LEAVE AS AN AMENDMENT TO THE "CITY OF GOODYEAR POLICY AND ADMINISTRATIVE GUIDELINES MANUAL OF 02/01/2004," WITH THE EXCEPTION OF PARAGRAPH 5, RELATING TO FLOATING HOLIDAY

VOTE: PASSED BY THE FOLLOWING (7-0) ROLL CALL VOTE

AYES: Mayor Cavanaugh, Vice Mayor Sousa, and Councilmembers Porter, Linney, Cavalier, Scott, and Antoniak

NAYS: None

MOTION BY ANTONIAK SECONDED BY SCOTT TO ADOPT RESOLUTION 04-924, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENTS FILED WITH THE CITY CLERK AND ENTITLED "POLICY #200 EMPLOYEE COMPENSATION", AND "POLICY #600 ATTENDANCE AND LEAVE."

VOTE: PASSED BY THE FOLLOWING (7-0) ROLL CALL VOTE

AYES: Mayor Cavanaugh, Vice Mayor Sousa, and Councilmembers Porter, Linney, Cavalier, Scott, and Antoniak

NAYS: None

MOTION BY LINNEY SECONDED BY CAVALIER TO ADOPT ORDINANCE 04-899, AMENDING POLICY #200 EMPLOYEE COMPENSATION AND POLICY #600 ATTENDANCE AND LEAVE AS AN AMENDMENT TO THE "CITY OF GOODYEAR POLICY AND ADMINISTRATIVE GUIDELINES MANUAL OF 02/01/2004," INCORPORATING PARAGRAPH 5 IN POLICY 600, ATTENDANCE AND LEAVE PROVISIONS

VOTE: PASSED BY THE FOLLOWING (4-3) ROLL CALL VOTE

AYES: Mayor Cavanaugh, Vice Mayor Sousa, and Councilmembers Porter, Linney, Cavalier, Scott, and Antoniak

NAYS: None

MOTION BY ANTONIAK SECONDED BY SCOTT TO ADOPT RESOLUTION 04-924, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENTS FILED WITH THE CITY CLERK AND ENTITLED "POLICY #200 EMPLOYEE COMPENSATION", AND "POLICY #600 ATTENDANCE AND LEAVE."

VOTE: PASSED BY THE FOLLOWING (4-3) ROLL CALL VOTE

AYES: Mayor Cavanaugh, Vice Mayor Sousa, and Councilmembers Porter, Linney, Cavalier, Scott, and Antoniak

NAYS: None

9. B. (04-2120) ORDINANCE 04-900 ADDING STIPULATION NO. 14 TO ORDINANCE 92-473

Mitch Rosen, representing SunCor, reported that SunCor received a design award for Palm Valley Office Park Phase II from NAIOP.

MOTION BY VICE MAYOR SOUSA SECONDED BY ANTONIAK TO ADOPT ORDINANCE 04-900 ADDING STIPULATION NO. 14 TO ORDINANCE NO. 92-473 TO PROVIDE FOR A MAXIMUM BUILDING HEIGHT OF FIFTY FEET FOR PALM VALLEY OFFICE PARK PHASE III ON THE 5.16-ACRE PARCEL LOCATED WEST OF THE NORTHWEST CORNER OF LITCHFIELD AND MCDOWELL ROADS WITHIN PHASE II OF THE PALM VALLEY MASTER PLAN; PROVIDING FOR SEPARABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE: PASSED BY THE FOLLOWING (7-0) ROLL CALL VOTE

AYES: Mayor Cavanaugh, Vice Mayor Sousa, and Councilmembers: Linney, Cavalier, Scott, and Antoniak

NAYS: Porter

Mayor's Summary:

- Does not impact any residential
- Change provides better landscaping and additional parking while increasing open space
- One councilmember will vote no because we don't have a uniform process in place
- Need criteria to handle changes and zoning
- Three councilmember's voiced support for the variety and creativity
- Council liked the architecture
- Staff needs to establish a set of question for future changes
- Same objective criteria to be used the next time

9. C. (04-2121) ORDINANCE 04-901 ADDING STIPULATION 35 TO ORDINANCE 01-751

MOTION BY VICE MAYOR SOUSA SECONDED BY SCOTT TO ADOPT ORDINANCE 04-901 ADDING STIPULATION NO. 35 TO ORDINANCE NO. 01-751 TO ALLOW FOR A TWENTY FOOT REAR STREETSIDE LANDSCAPE/BUILDING SETBACK ON 140TH DRIVE FROM THOMAS ROAD TO AVALON DRIVE FOR THE PALM VALLEY OFFICE CONDOMINIUMS ON THE 9.18-ACRE PARCEL LOCATED ON THE NORTHWEST CORNER OF LITCHFIELD AND THOMAS ROADS WITHIN PHASE II OF THE PALM VALLEY MASTER PLAN; PROVIDING FOR SEPARABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE: PASSED BY THE FOLLOWING (7-0) ROLL CALL VOTE

AYES: Mayor Cavanaugh, Vice Mayor Sousa, and Councilmembers: Linney, Cavalier, Scott, and Antoniak

NAYS: Porter

MOTION BY ANTONIAK SECONDED BY PORTER TO ADD STIPULATION NO. 36 TO ORDINANCE NO. 01-751 ADDING THAT THE APPLICANT SHALL PROVIDE A SIDEWALK ALONG LITCHFIELD ROAD FROM THOMAS ROAD TO AVALON DRIVE DURING THE FIRST PHASE OF DEVELOPMENT

VOTE: PASSED BY THE FOLLOWING (7-0) ROLL CALL VOTE

AYES: Mayor Cavanaugh, Vice Mayor Sousa, and Councilmembers: Porter, Linney, Cavalier, Scott, and Antoniak

NAYS: None

Mitch Rosen, representing SunCor, stated that the intent is for this to be a professional office park (chiropractor, veterinarian, labs, engineers) and his desire is to limit the retail, but perhaps have a little sandwich shop to benefit this community.

Mayor's Summary:

- Some concerns from previous item are same here
- Pedestrian friendly with parking in the middle (not visible)
- Location is appropriate and there is provision for open space
- Compliments to design and creativity
- There is concern that concept was designed by SunCor without City input. Concept drove the land use rather than the value of the land driving the concept.
- There will not be any median breaks
- SunCor will construct a complete sidewalk in Phase 1

9. D. (04-2105) LEASE AGREEMENT WITH ESTRELLA MOUNTAIN BMX, INC.

Todd Tupper, 3010 E. Camelback, representing SunMP, who owns property to north.

- In favor of facility.
- Appropriate use of property. Some concerns:
 - SunMP is affiliated and SunChase is not.
 - Asked for consideration to name the facility something other than Estrella Try to eliminate confusion with name.
- Didn't know if a traffic study had been done. Would like to see study included and have a review date in the lease
- Concern with design of tower

MOTION BY ANTONIAK SECONDED BY PORTER TO APPROVE A LEASE AGREEMENT WITH ESTRELLA MOUNTAIN BMX, INC. (LESSEE) FOR APPROXIMATELY EIGHT (8) ACRES OF CITY-OWNED PROPERTY IN THE VICINITY OF MC85 AND ESTRELLA PARKWAY, FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A BMX PARK, AND AUTHORIZE THE CITY MANAGER TO SIGN THE RELATED DOCUMENTS.

VOTE: PASSED UNANIMOUSLY (7-0)

AMENDED MOTION BY VICE MAYOR SOUSA SECONDED BY PORTER TO ADD A STIPULATION STATING THAT MOTORIZED VEHICLES BE PROHIBITED IN THE BMX FACILITY, PASSED UNANIMOUSLY 7-0

VOTE: PASSED UNANIMOUSLY (7-0)

MOTION BY ANTONIAK SECONDED BY PORTER TO APPROVE FUNDING IN THE AMOUNT OF \$400,000.00 WITHIN THE FY 2004-2005 CAPITAL IMPROVEMENT PROGRAM BUDGET TO PROVIDE FOR RELATED PARKING, RESTROOMS, UTILITIES, AND SITE WALLS.

VOTE: PASSED UNANIMOUSLY (7-0)

Mayor's Summary:

- No relationship with SunMP or Estrella Mountain Ranch
 - Don't use word Estrella
 - Concern with noise and light studies (provision in association standards)
 - Concern with traffic ingress and egress conflicts
 - Concern with design of tower
- Council added stipulation prohibiting motorized vehicles at facility

- The lessee will provide the BMX standards to Staff for their review and staff will advise Council of shortcomings of standards
- The lessee cannot sub lease facility
- BMX has strict standards including dust and noise control and they prohibit motorized vehicles
- The \$200,000 for dog park is not part of this \$400,000
- \$400,000 provides for additional parking, rest facility to be shared with the dog park, screened walls for parking lot, and to bring sewer to site

Mayor called a recess at 8:08 PM

Mayor reconvened the meeting at 8:19 PM

9. E. (04-2053) CONTRACT TO NESBITT CONTRACTING COMPANY.

MOTION BY VICE MAYOR SOUSA SECONDED BY LINNEY TO AWARD A CONTRACT IN THE AMOUNT OF \$1,083,231.90 TO NESBITT CONTRACTING COMPANY, INC. FOR CONSTRUCTION OF THE LITCHFIELD ROAD MILL & RUBBERIZED ASPHALT OVERLAY PROJECT.

VOTE: PASSED UNANIMOUSLY (7-0)

Mayor's Summary:

- One Councilmember is concerned with staff coming back with requests for street cuts after the conclusion of the project
- Many benefits beyond noise reduction, one of which is that it is more durable

9. F. (04-2023) ORDINANCE 04-897 ADDING STIPULATION NOS. 33 AND 34 TO ORDINANCE 02-751

Gary Gelzer, 14971 W. Pinchot Avenue, Goodyear, said is in favor of this project.

- He is a member of Planning and Zoning
- This is a unique location, with streets on three sides
- Parking on project will come off 144th Avenue
- This is class A office space
- Council supported a similar request this evening and asked for the same support
- This is one of the major gateways to the City and the project falls into the appropriateness
- This PAD was approved many years ago and many things have changed

MOTION BY VICE MAYOR SOUSA SECONDED BY SCOTT TO ADOPT ORDINANCE 04-897 ADDING STIPULATION NOS. 33 AND 34 TO ORDINANCE NO. 2001-751 TO PROVIDE FOR A TWENTY-FIVE FOOT (25') BUILDING SETBACK ON VIRGINIA AVENUE AND A TWENTY-FOOT (20') BUILDING SETBACK ON 140TH AVENUE FOR AN OFFICE BUILDING PROPOSED TO BE CONSTRUCTED ON A 1.136-ACRE PARCEL GENERALLY LOCATED ON THE NORTHWEST CORNER OF LITCHFIELD ROAD AND VIRGINIA AVENUE WITHIN PHASE II OF THE PALM VALLEY MASTER PLAN; PROVIDING FOR SEPARABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE: PASSED BY THE FOLLOWING (5-2) ROLL CALL VOTE

AYES: Mayor Cavanaugh, Vice Mayor Sousa, and Councilmembers Linney, Scott, and Antoniak

NAYS: Porter and Cavalier

Mayor's Summary:

- A gentleman from the public expressed his support
- Council in general liked the changes in décor made since the May 10th meeting
- Staff has been advised to heed negative appearances of unsightly roof top air conditioning
- In opposition to this there is concern that two story buildings are inappropriate in residential area
- This development is at odds with community standards relative to commercial being established in proximity to residential areas. Recommended not to be approved by two Councilmembers

9.G. (04-2113) AGREEMENT FOR PROFESSIONAL SERVICES WITH HDR

MOTION BY CAVALIER SECONDED BY ANTONIAK TO AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR PROFESSIONAL SERVICES WITH HDR FOR A TOTAL OF \$280,000.00 TO COMPLETE A SPECIFIC AREA PLAN FOR THE GOODYEAR CITY CENTER.

VOTE: PASSED UNANIMOUSLY (7-0)

Mayor's Summary:

- Heard from Committee Chair, Georgia Lord, that she is pleased in the selection.
- Start officially in June
- Young folks have been appointed to the committee

INFORMATION

Antoniak:

- Thanked Georgia Lord for her efforts in raising money for the YMCA and our local Fire Union for the pancake breakfast fund raiser

Mayor Cavanaugh:

- Attended the first meeting of the Governors Commission of Military Affairs
 - Yuma briefed us that they have a standard "Welcome Home to Iraqi Freedom" and they celebrate those who have served in Iraq.
 - Governors Commission got off to a good start. The Governor signed a document that provides \$4.8 million budgeted every year for base preservation in the State of Arizona. Eighty percent will go to property owners. Distribution of funds will be made in accordance with a recommendation from a rules sub committee, which is part of the Governors Commission.
 - Mayor will be on Rules Committee.

ADJOURNMENT

There being no further discussion to be brought before the Council at this time the meeting was adjourned at 9:06 p.m.

Lynn Mulhall, Acting City Clerk

James M. Cavanaugh, Mayor

Date: _____

CERTIFICATION OF COUNCIL MINUTES

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular session of the City of Goodyear, Arizona, held on May 24, 2004. I further certify that the meeting was duly called and held and that a quorum was present.

SEAL: Dated this _____ day of _____ 2004.

Lynn Mulhall, Acting City Clerk